\* DEPUTY ZONING COMMISSIONER

6th Councilmanic District \* Case No. 90-423-SPHA Melvyn E. Engle, et ux Petitioners

\* OF BALTIMORE COUNTY

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a special hearing to approve more than one owner/caretaker's residence on the subject property, and variances to permit a rear yard setback of 15 feet in lieu of the required 30 feet for Building "D", a front yard setback of 20 feet for Buildings "A" and "B" and a front yard setback of 10 feet for Buildings "C" and "D", all in lieu of the required 50 feet, and a distance between buildings of 40 feet in lieu of the required 100 feet for both existing and proposed buildings, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Maxwell R. Collins, II, Esquire. Also appearing on behalf of the Petitions were Timothy and Martin Engle, Petitioners' sons, and Donald D. Smith, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 9619 Pulaski Highway, consists of 1.2741 acres more or less zoned M.L.-C.S.-1 and is the site of the Star Motel which is currently comprised of 19 motel units, 2 caretakers' residences, and 1 office/support building. Said property was purchased by Melvyn Engle's father in 1958 and at that time consisted of those buildings that exist today as depicted in Petitioner's Exhibit 1. Testimony indicated that the subject property was developed O O with the motel use in the early 1950s. Mr. Engle testified that his father

feet for both existing and proposed buildings, in accordance with Petition-

er's Exhibit 1, be and are hereby GRANTED, subject, however, to the follow-

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its

Prior to the issuance of any permits, a landscape

plan shall be prepared and submitted to the Deputy Director of Planning and the Baltimore County Landscape Planner for review and approval. A copy of the approved

plan shall be submitted to this office for inclusion

3) Prior to the issuance of any permits, a revised site plan incorporating the requirements of the State

Highway Administration, as set forth in their comments

dated April 9, 1990, shall be submitted to the State

Highway Administration for approval. A copy of the

approved plan shall be submitted to this office for inclusion in the case file prior to the issuance of

4) The caretakers' residences approved herein shall exist only as long as said residences are used and

occupied by Petitioners' family members involved in

the care and management of the motel business. Upon

request and reasonable notice by the Zoning Commission-

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of

er's Office, Petitioners shall submit proof of same.

original condition.

in the case file.

any permits.

this Order.

ing restrictions which are conditions precedent to the relief granted:

conveyed the property to him and his wife in the 1970s and that since that time, Mr. & Mrs. Engle, along with their two sons, have continued to operate the motel. In an effort to upgrade the image and quality of the subject property, Petitioners propose modifications to existing Buildings "B" and "D" and include provisions for 38 motel units, 1 additional caretaker's residence, for a total of 3 caretakers' residences on the property, and office/support space. Testimony and evidence presented by Petitioners indicates that the granting of the variances for the proposed improvements will not result in any detriment to the health, safety or general welfare of the surrounding uses. To support their position, Petitioners submitted photographs of the adjoining property to the rear which is an industrial warehouse building under construction. All of the variances, with the exception of the 15-foot rear yard setback for Building "D" are variances necessitated by the distances between the interior buildings on the lot. The distances between the proposed modifications and existing improvements are similar to and in some instances smaller than those created by the existing buildings which will be removed and/or modified. Petitioners argued that denial of the variances would result in practical difficulty and unreasonable hardship due to the layout of the existing buildings and

the nature of the operation. With respect to the relief requested in the special hearing, testimony indicated that the caretakers' residences requested for Buildings "A", "B" and "C" are required to meet the needs of all family members involved in the operation of the motel. Testimony indicated that currentthe Petitioners, along with their two sons and the wife of one, reside in the existing two story residence in Building "A" as depicted in Petitioner's Exhibit 1. The Petitioners' father, the original owner and opera-

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Maxwell R. Collins, II, Esquire 305 W. Chesapeake Avenue, Suite 510 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE N/S Pulaski Highway, 460' E of Middle River Road (9616 Pulaski Highway) 15th Election District - 6th Councilmanic District Melvyn E. Engle, et ux - Petitioners Case No. 90-423-SPHA

Dear Mr. Collins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

C MNohain ANN M. NASTAROWICZ Deputy Zoning Commissioner

AMN:bjs

for Baltimore County

cc: People's Counsel

- MNotrais ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

May 18, 1990

Dennis F. Rasmussen County Executive

	Melvyn E. Engle	
(Type or Print Name)	(Type or Print Name)	10.15
Signature	Signature	200
Address	Pearl L. Engle  (Rype or Print Name)  (May L. Carali	1000 G-Z SP CC
City and State	Signature	F
Attorney for Petitioner:	ofto Bulanti Highway	687-316
Maxwell R. Collins, II	9619 Pulaski Highway	Phone No.
Marye or Print Name)	Address Baltimore, MD 21220	
Suite 510 Chesapeake Building	City and State  Name, address and phone number o	f legal owner.
305 W. Chesapeake Avenue Address	tract purchaser or representative t	O De Contacted
Towson, MD 21204	Donald D. Smith, Archite	ct
City and State	Name 1010 Saint Paul Street	685-49
Attorney's Telephone No.: 583-7977	Address 21202	Phone No.

1	RDERED By The Zoning Commissioner of Baltimore County, this day
	March, 1990, that the subject matter of this petition be advertised, as red by the Zoning Law of Baltimore County, in two newspapers of general circulation throughaltimore County, that property be posted, and that the public hearing be had before the Zoning altimore County, that property be posted, and that the public hearing be had before the Zoning
om	ty, on theds day of, 19, at o'clock
P	M. 1 1 1 1 1 1 1

in Building "C". Testimony indicated that the office and caretaker's residence to be built as part of proposed building "B" will provide housing for one of the sons. Both sons are officers of the corporation and share in the responsibility for managing the motel, 7 days a week, 24 All testimony presented by the Petitioners indicated that the caretakers' residences at all times shall be the residences of those individuals involved in the day to day operations of the motel business. The Petitioners agreed to supply evidence to the Zoning Commissioner's Office upon reasonable request that such use in Buildings "B", "C" and "D"

tor of the premises, resides in the exiting 1 story caretaker's residence

In response to the Zoning Plans Advisory Committee comments submitted by Charles Rose, Acting Chief of the Engineering Access Permits Division of the State Highway Administration, dated April 9, 1990, Petitioners have agreed to revise their site plan in an attempt to comply with their requests. Said plan shall be submitted to the State Highway Administration for approval.

is for a caretaker's residence.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-423-5PH A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm,

E-4

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

more than one residence for the family of the Owner/Caretaker living on a

Property is to be posted and advertised as prescribed by Zoning Regulations

use permitted in 253.1.G, as stipulated in paregraph 253.1.F.2

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following: 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome; 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that

applied for would give substantial relief; and 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Variances

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of May, 1990 that the Petition for Special Hearing to approve more than one owner/caretaker's residence on the subject  ${f \hat{j}}_{
m property}$ , and the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for Building "D", a front yard setback of 20 feet for Buildings "A" and "B" and a front yard setback of 10 feet for Buildings "C" and "D", all in lieu of the required 50 feet, and a distance between buildings of 40 feet in lieu of the required 100

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-423-58 HA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 255.1 and thereby Section 238.1 and 238.2 to permit a 15\_\_\_ foot rear yard setback for Building 'D' in lieu of the required 30 feet; From Section 102.2 to permit a front yard setback of 20 feet for Buildings 'A' and --- 'B' and a front yard setback of 10 feet for Buildings 'C' and 'D', both in lieu of the required 50 feet; and from Section 102.2 to permit a 40 foot separation between buildings in lieu of the maximum required 100 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

A need exists in this market for additional motel rooms. Owner desires to ungrade and expand his facility to respond to the market demand. However. zoning has been placed on the property which requires greater setbacks than those required when the buildings were constructed. It is therefore a practical difficulty to add units and provide sufficient parking unless a variance is granted to permit construction within the setbacks required.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Rallimore County adopted numeral to the Zoning Law For Rallimore County.

	1/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
	Melvyn E. Engle
(Type or Print Name)	(Type or Print Name)  Molngo E Finds
	solum 2 mite
Signature	Signature
	Pearl L. Engle
Address	Type or Print Name)
City and State	Signature
Attorney for Petitioner:	•
Maxwell R. Collins, II	9619 Pulaski Highway 687-3169
(Vipe or Print Name) / A	Address Phone No.
Maruel K. Collins	Baltimore, MD 21220
	City and State
The Chesapeake Building- Suite 510	
305 V. Chesapeake: Avenue	Name, address and phone number of legal owner, con tract purchaser or representative to be contacted
Towson, HD 21204-4478	Timothy Engle
City and State	Name
Attorney's Telephone No.: _583-7977	9619 Pulaski Highway 687-3169
ORDERED By The Zoning Commissioner of	f Baltimore County, this day
march 1090 min	be subject metter of this petition be advertised, a
COUNTRY BY DIS COUNTY DEW OF DESTROYS COUNT	v. In two nowapapera of reneral circulation intoxivi
out Baltimore County, that property be posted, a Commissioner of Baltimore County in Room 1	and that the public hearing be had before the Zonin 106, County Office Building in Towson, Baltimor
Commissioner of Baltanote County in Room 1	
County, on theday of .	19.90 at 2 c'cloc
P. w	
	(1. Kolont des -
2/16/90 BY JAN.	I, in any friends
TIME OR DAY	Zor ing Commissioner of Beltimore County
·	The second of Secondary Codition
RNG.	over)

. N. . . .

Contract Purchaser:

90-423-SPHA ZONING DESCRIPTION

Beginning at a point in the existing Southeast Right-of-Way line of Pulaski Highway, being 150 feet wide, and which lies North 49° East at a distance of 459.85 feet from the intersection of the centerline of Middle River Road with the southeast side of Pulaski Highway; thence leaving said point of beginning and binding on the following courses and distances:

(1) N 40° 55' 52" E 200.0 feet. (2) S 49° 04' 08" E 217.5 feet. (3) S 40° 55' 52" W 200.0 feet. (4) N 49° 04' 08" W 217.5 feet.

As recorded in Deed Liber 5437, Folio 469, containing 1.000 Acres, located in the Fifteenth Election District.



90-473-5841 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Posted for Special Hearing & Variance Posted for: Special Heart Special Heart Special State Petitioner: Molvyn F. Engle, et ax

Location of property: N/S Pules Ki Hwy, Hbo' E/Middle Rider Rd.

164 Pules Ki Hwy

Location of Signe: To ciny Pales Ki Hwy, special 15 p. 100 dway,

On fro farty of Palisticinar

	maga Ro
	Baltimore County [] [] [] [] [] [] [] [] [] [] [] [] []
All A	ZONIME COMMISSION AND ASSESSMENT
<b>STITE</b>	County Office Building 111 West Chesapeake Avenue Nowson, Maryland 21204 Number
	Towson, Maryland
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	2/16/90
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	PUBLIC MEARING FEES PARTY PRICE
	DEO -ZONING VARIANCE (OTHER) 1 X \$175.00
	040 -SPECIAL HEARING (OTHER) 1. 4 . \$175.00
	TOTAL: \$250,00
1	LAST NAME OF OWNER: ENGLE
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Cashler Vali	The state of the s

90-423 M9000731 4/25/90 PRICE PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$146.56 LAST NAME OF OWNER; ENGLE B 095\*\*\*\*14656;a 325\$F Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner Mr. & Mrs. Melvyn E. Engle 9619 Pulaski Highway Baltimore, Maryland 21220 Petitions for Special Hearing and Zoning Variance Dennis F. Rasmussen
County Executive CASE NUMBER: 90-423-SPHA N/S Pulaski Highway, 460' E of Middle River Road 9619 Pulaski Highway 15th Election District - 6th Councilmanic Petitioner(s): Melvyn E. Engle, et ux HEARING: WEDNESDAY, APRIL 25, 1990 at 2:00 p.m. Dear Mr. & Mrs. Engle: Please be advised that \$ 146.56 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING. Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeaka Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin. Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

J. Robert Springs

ROBERT HAINES

ZONING COMMISSIONER

not returned.

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public heering on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Petitions for Special Hearing and Zoning Variance
Case Number: 90-423-SPHA
N/S Pulasid Highway, 460' E
of Middle River Road
9619 Pulasid Highway
15th Election District Special Hearing: To approve more than one residence for the family of the owner/caretaker. ferrity of the owner/caretaker. Variance: to permit a 15 ft. rear yard setback of Building "D" in ieu of the required 30 ft.; to permit a front yard setback of 20 ft. for Buildings "A" and "B" and a front yard setback of 16 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft.

In the event that this Petition is

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on April 5, 19 %.

5.20he Orlor granted, a building permit may be issued within the thirty (30) day

any request for a say of the suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINE

INOTICE OF HEARING

15th Election District 6th Councilments Patitioner(s): Metyyn E. Engle, et ux Hearing Date: Wednesday, Apr. 25, 1990 at 2:00 p.s.

Special Hearing: To approve more than one residence for the family of the owner/caretaker. Variance: to permit a 15 R. reer yard setbeck of Building "D" in lieu of the required 30 R; to permit a 15 R. reer yard setbeck of Building "D" in lieu of the required so that contract of 20 R.

ieu of the required selback of 20 ft...
for Buildings "A" and "B" and a front yard selback of 10 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft...
In the event that this Petition is

missioner will, however, energian any request for a stay of the insurance of said permit during this period for good cause shows. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

the way to be an included

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of \_\_\_\_successive weeks, the first publication appearing on april 4 ,19 90.

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines
Zoning Commissioner

April 16, 1990

Maxwell R. Collins, Esquire The Chesapeake Building - Suite 510 305 W. Chesapeake Avenue Towson, MD 21204

RE: Item No. 270, Case No. 90-423-SPHA Petitioner: Melvyn E. Engle, et ux Petition for Special Hearing and Zoning Variance

Dear Mr. Collins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, JAMES E. DYER Zoning Plans Advisory Committee

JED:jw

cc: Mr. & Mrs. Melvyn E. Engle 9619 Pulaski Highway Baltimore, MD 21220

Ballimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

March 13, 1990

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petitions for Special Hearing and Zoning Variance CASE NUMBER: 90-423-SPHA N/S Pulaski Highway, 460'\_E of Middle River Road 9619 Pulaski Highway 15th Election District - 6th Councilmanic Petitioner(s): Melvyn E. Englé, et ux HEARING: WEDNESDAY, APRIL 25, 1990 at 2:00 p.m.

Special Hearing: To approve more than one residence for the family of the owner/caretaker. Variance: To permit a 15 ft. rear yard setback of Building "D" in lieu of the required 30 ft.; to permit a front yard setback of 20 ft. for Buildings "A" and "B" and a front yard setback of 10 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Mr. & Mrs. Engle Maxwell R. Collins, II, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) & 7-3353



Your petition has been received and accepted for filing this 16th day of February, 1990.

Petitioner: Melvyn E. Engle Petitioner's Attorney: Maxwell R. Collins



Richard H. Trainor Secretary Hal Kassoff Administrator

April 9, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County The Star Motel Melvyn E. Engle Property Zoning meeting 3/6/90 N/S Pulaski Highway US 40-E 460' east of Middle River Road

Item #270

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve more than one residence for the family of owner/caretaker, we find the plan must be revised with the following:

- -- Construction of two 17' one way entrances with 40' radii and a 5' tangent section from adjacent properties.
- -- Construction of concrete curb and gutter and paving at a distance of 15' from the edge of travelled roadway.

The attached revised plan shows the aforementioned revisions.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours, Charles Rom Charles Rose, Acting Chief Engineering Access, Permits Division

attachment

Mr. J. Ogle w/att.

cc: Development Engineering Consultants Inc. watt.

My telephone number is (3C1) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 9, 1990



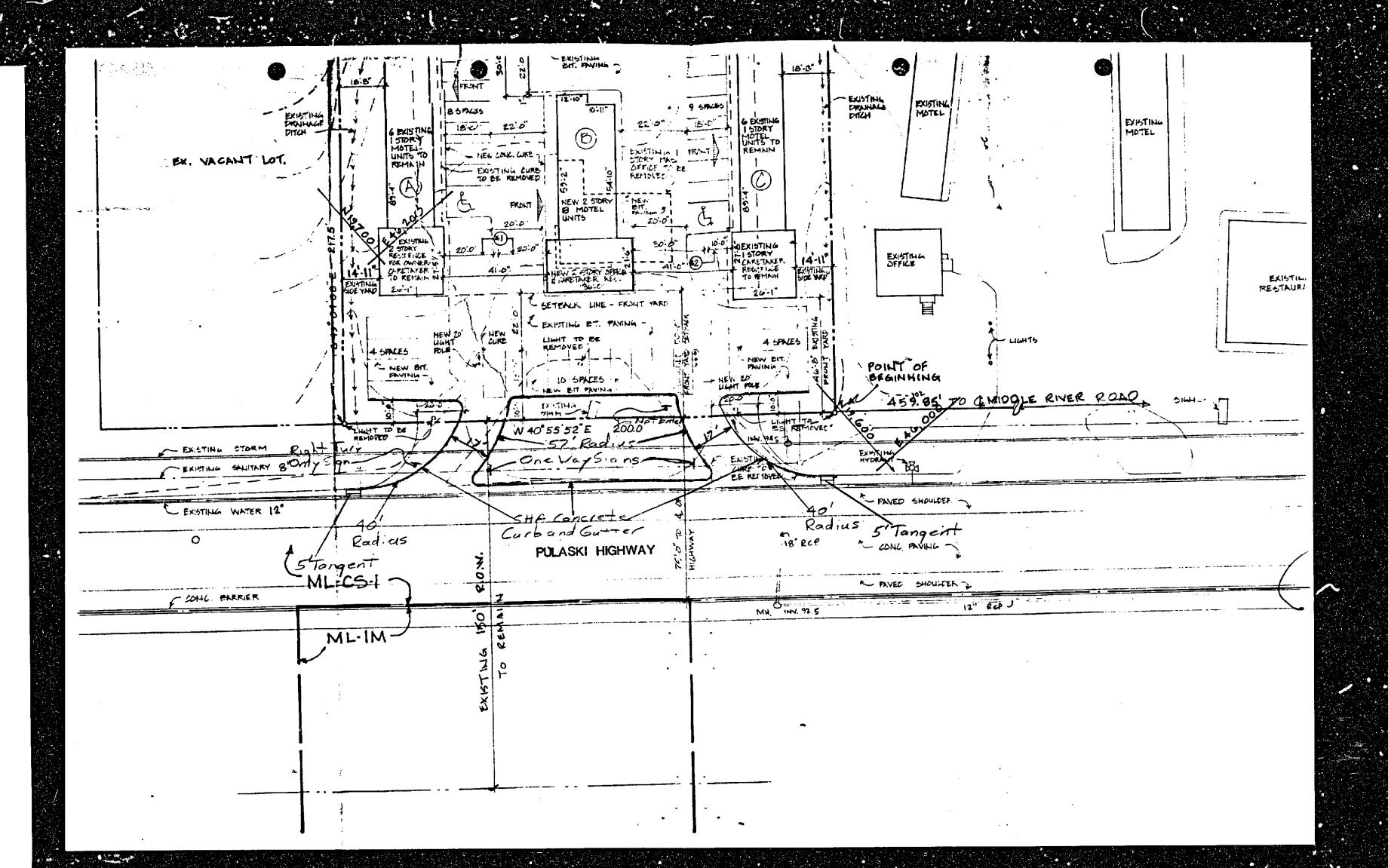
Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 259, 261, 262, 263, 264, 265, 266, 267, 268, and (276)

Traffic Engineer Assoc. II

MSF/lab



BALTI E COUNTY DEPARTMENT OF ENVIRON TAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner

Office of Planning and Zoning

3-2-90 Date

County Office Building Towson, Maryland 21204 Zoning Item 100, Zoning Advisory Committee Meeting of March 6,1990 Property Owner: Meluyn E. Engle, et UX

Location: N/S Pulasky Highway, 460 E of Middle River Road District: 15 .Water Supply: netro Sewage Disposal: netro

. ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$  Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. '( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the
- contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745. ( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.
- and Sewer to determine whether additional tests are required.
- ( ). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property
- and approval of Building Permit Applications. ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-
- logical and chemical water samples. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others	
	BUREAU OF WATER QUALITY AND RESOURCE

MANACESTI

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204

RE: Property Owner: MELVYN E. ENGLE

**#9619 PULASKI HIGHWAY** 

Item No.: 270 Zoning Agenda: MARCH 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

MARCH 14, 1990

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Cot. Joseph My 3-14-90 Noted and Captain Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

The Petitioner requests a Variance to permit a 15 ft. rear yard

setback for Building D in lieu of the required 30 ft.; to permit a

setback of 10 ft. for Buildings C and D, both in lieu of the required

Should the Petitioner's request be granted, staff offers the

- The Petitioner shall submit elevation drawing to the Deputy

- A landscape plan shall be submitted to the Baltimore County

If there should be any further questions or if this office can

provide additional information, please contact Jeffrey Long in the

landscape planner and the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building

Director of the Office of Planning and Zoning prior to the

front setback of 20 ft. for Building A and B; to permit a front

50 ft.; and to permit a 40 ft. separation between buildings.

DATE: April 9, 1990

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

SUBJECT: Melvyn E. Engle, Item No. 270

following conditions for approval:

permits.

PK/JL/cmm

Office of Planning at 887-3211.

Pat Keller, Deputy Director

Office of Planning and Zoning

issuance of any building permits.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting

for March 6, 1990

The Developers Engineering Division has reviewed

the subject zoning items and we have no comments for Items 262, 263, 264, and, 266.

For Item 259 the previous County Review Group comments remain in effect.

For Item 261 the minimum width for a single panhandle frontage is 20 feet (12 feet is shown). The septic area on the opposite side of the road would require crossing of the public road R/W with private sewer line (which would require a franchise agreement).

For Items 265, 269 and 270; a County Review Group Plan may be required for each property.

For Items 267 and 268 the previous County Review Group comments remain in effect.

For Item #203 revised - Caves Valley Gold Club - the previous County Review Group comments still apply.

Amendment for 90-154A - No. 819 Ridgeleigh Road, we have no comments.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s



90-423-5944 4-25-90

2 May,1990

MARYLAND DEPARTMENT OF TRANSPORTATION
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21203-0717

Attn: Mr. Charles Rose, Acting Chief Engineering Access Permits Division

Re: The Star Motel
Melvyn E. Engle etal Property
9619 Pulaski Highway
LSA No. 89.13

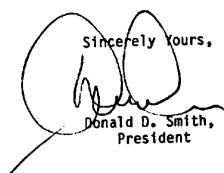
ZONING OFFICE

Mr. Rose,

In regard to your letter of 9 April, 1990 to Mr. J. Robert Haines concernining item No. 270, we herewith enclose a sketch prepared by this. We believe that the proposed revision to our plan satisfies your requirements, and still supplies the required number of parking spaces to support the anticipated development.

The Deputy Zoning Commissioner has indicated in public hearing that she requires your approval of said sketch before accepting same. Please accept this submission as a request for your approval, and please provide same in writing to the Zoning Commissioner.

Should you have any questions, please contact the undersigned at 685-4900.



CC. James Dyer

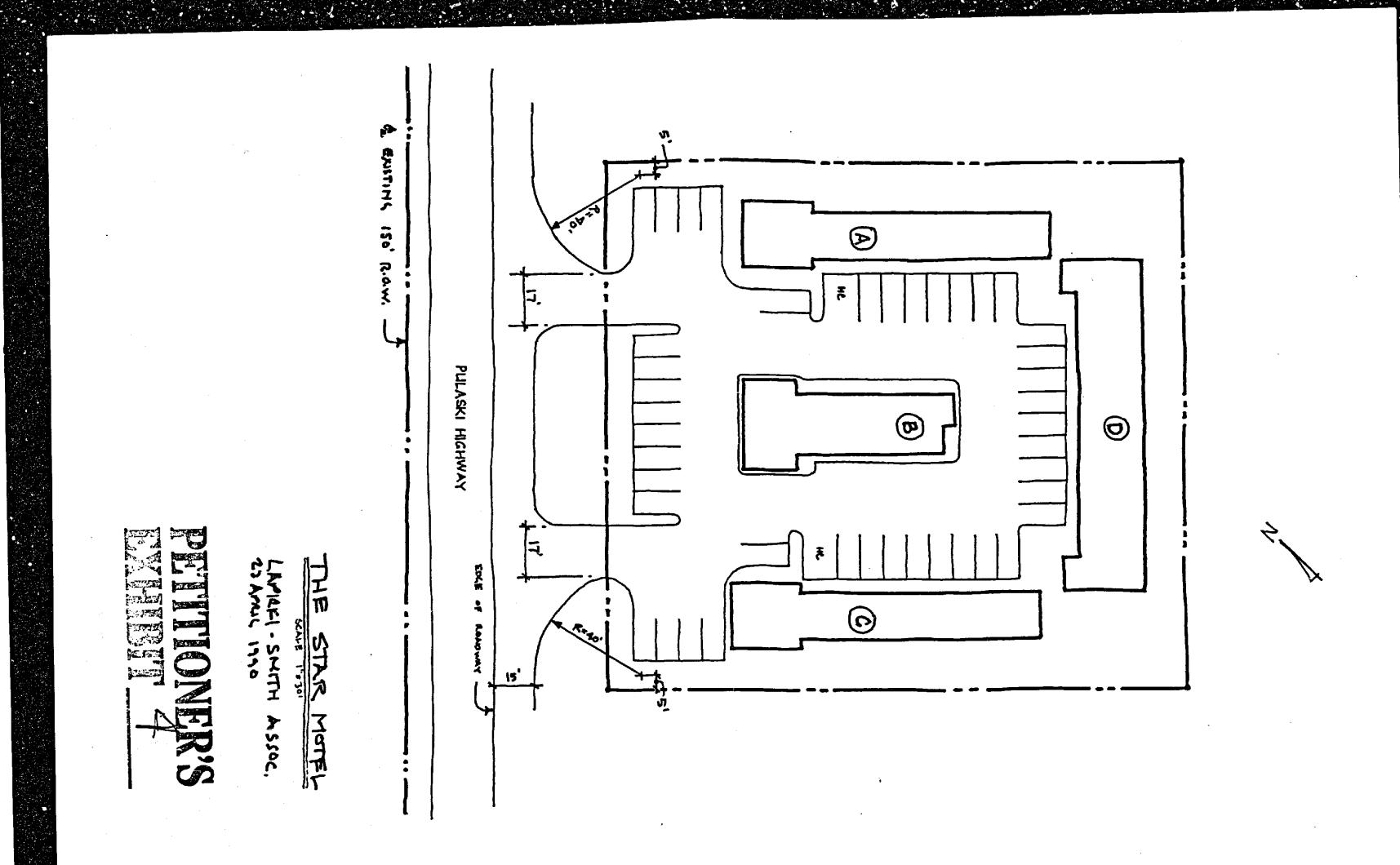
Tim Engle

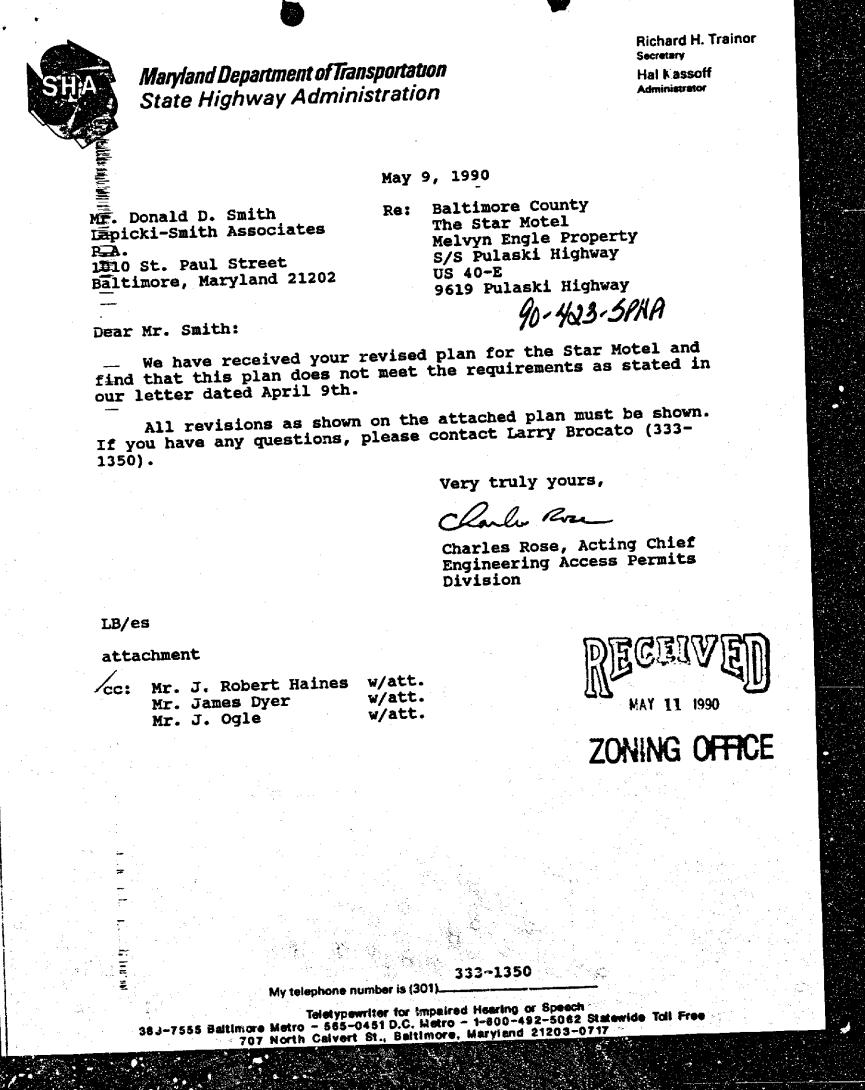
Maxwell Collins

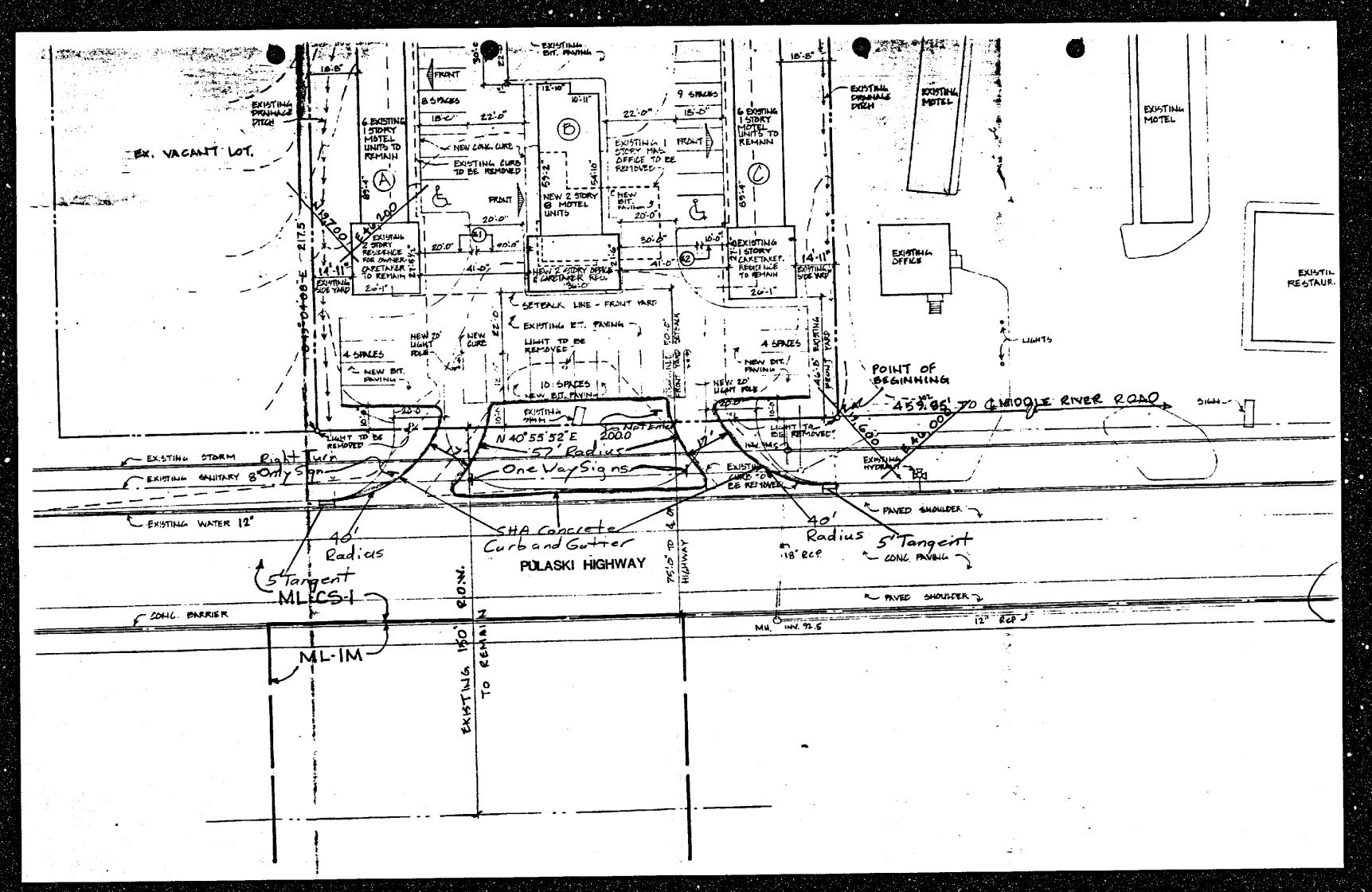
DEC, Inc.

James Ogle

1010 ST. PAUL STREET . BALTIMORE, MARYLAND 21202 . 301-685-4900



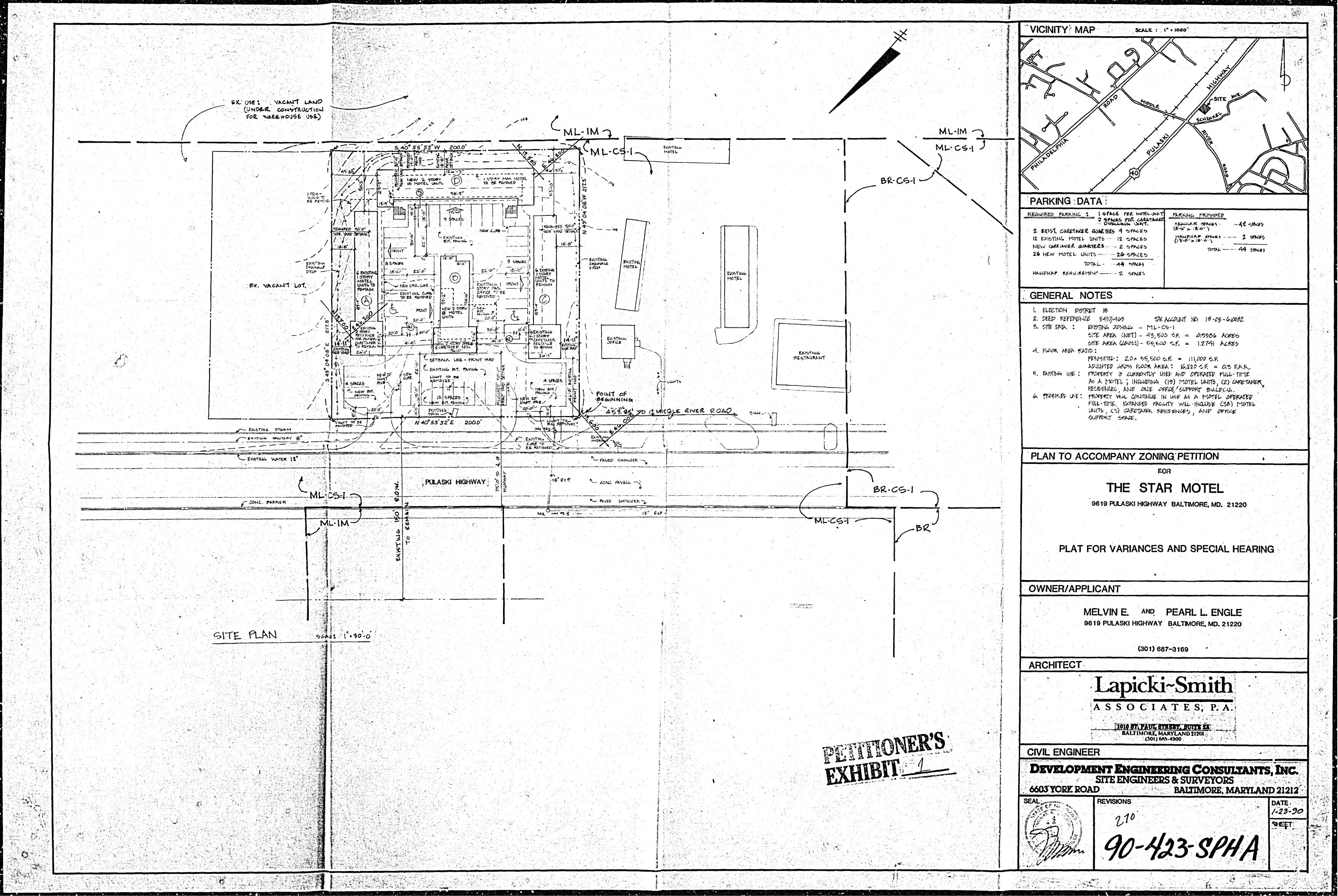


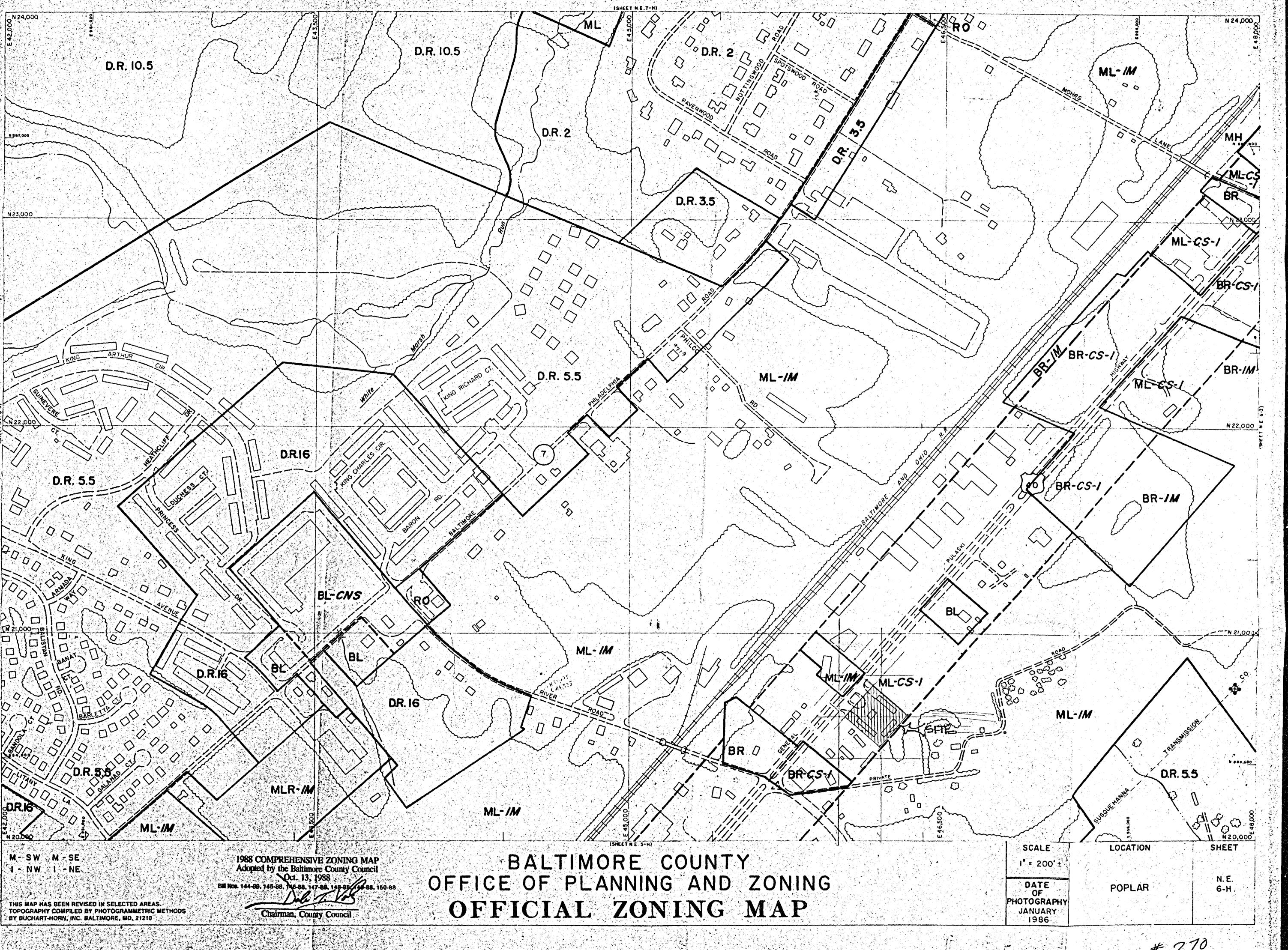


PLEASE PRINT CLEARLY Michael Collins, IF MELVYN E. ENGLE 9619 PULASK, HWY. BATTO. MD 21220 DONDLO Q. SMITH 1010 St. Paul STREET 21202 TIMOTHY ENGLE 9619 PULASKY KWY BAUTO MO. 31220 9619 Pulacki Huy BALTO MO 21220 MARTIN G. Engle 9619 Fulaski Hwy. Balta 21220 PEARL L ENgle









90-423-SPHA

\* DEPUTY ZONING COMMISSIONER

6th Councilmanic District \* Case No. 90-423-SPHA Melvyn E. Engle, et ux Petitioners

\* OF BALTIMORE COUNTY

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

\* \* \* \* \* \* \* \* \* \* \*

The Petitioners herein request a special hearing to approve more than one owner/caretaker's residence on the subject property, and variances to permit a rear yard setback of 15 feet in lieu of the required 30 feet for Building "D", a front yard setback of 20 feet for Buildings "A" and "B" and a front yard setback of 10 feet for Buildings "C" and "D", all in lieu of the required 50 feet, and a distance between buildings of 40 feet in lieu of the required 100 feet for both existing and proposed buildings, all as more particularly described in Petitioner's Exhibit 1.

The Petitioners appeared, testified and were represented by Maxwell R. Collins, II, Esquire. Also appearing on behalf of the Petitions were Timothy and Martin Engle, Petitioners' sons, and Donald D. Smith, Architect. There were no Protestants.

Testimony indicated that the subject property, known as 9619 Pulaski Highway, consists of 1.2741 acres more or less zoned M.L.-C.S.-1 and is the site of the Star Motel which is currently comprised of 19 motel units, 2 caretakers' residences, and 1 office/support building. Said property was purchased by Melvyn Engle's father in 1958 and at that time consisted of those buildings that exist today as depicted in Petitioner's Exhibit 1. Testimony indicated that the subject property was developed O O with the motel use in the early 1950s. Mr. Engle testified that his father

feet for both existing and proposed buildings, in accordance with Petition-

er's Exhibit 1, be and are hereby GRANTED, subject, however, to the follow-

1) The Petitioners may apply for their building

permit and be granted same upon receipt of this Order;

however, Petitioners are hereby made aware that pro-

ceeding at this time is at their own risk until such

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

reversed, the Petitioners would be required to return,

and be responsible for returning, said property to its

Prior to the issuance of any permits, a landscape

plan shall be prepared and submitted to the Deputy Director of Planning and the Baltimore County Landscape Planner for review and approval. A copy of the approved

plan shall be submitted to this office for inclusion

3) Prior to the issuance of any permits, a revised site plan incorporating the requirements of the State

Highway Administration, as set forth in their comments

dated April 9, 1990, shall be submitted to the State

Highway Administration for approval. A copy of the

approved plan shall be submitted to this office for inclusion in the case file prior to the issuance of

4) The caretakers' residences approved herein shall exist only as long as said residences are used and

occupied by Petitioners' family members involved in

the care and management of the motel business. Upon

request and reasonable notice by the Zoning Commission-

5) When applying for a building permit, the site plan and landscaping plan filed must reference this case and set forth and address the restrictions of

er's Office, Petitioners shall submit proof of same.

original condition.

in the case file.

any permits.

this Order.

ing restrictions which are conditions precedent to the relief granted:

conveyed the property to him and his wife in the 1970s and that since that time, Mr. & Mrs. Engle, along with their two sons, have continued to operate the motel. In an effort to upgrade the image and quality of the subject property, Petitioners propose modifications to existing Buildings "B" and "D" and include provisions for 38 motel units, 1 additional caretaker's residence, for a total of 3 caretakers' residences on the property, and office/support space. Testimony and evidence presented by Petitioners indicates that the granting of the variances for the proposed improvements will not result in any detriment to the health, safety or general welfare of the surrounding uses. To support their position, Petitioners submitted photographs of the adjoining property to the rear which is an industrial warehouse building under construction. All of the variances, with the exception of the 15-foot rear yard setback for Building "D" are variances necessitated by the distances between the interior buildings on the lot. The distances between the proposed modifications and existing improvements are similar to and in some instances smaller than those created by the existing buildings which will be removed and/or modified. Petitioners argued that denial of the variances would result in practical difficulty and unreasonable hardship due to the layout of the existing buildings and

the nature of the operation. With respect to the relief requested in the special hearing, testimony indicated that the caretakers' residences requested for Buildings "A", "B" and "C" are required to meet the needs of all family members involved in the operation of the motel. Testimony indicated that currentthe Petitioners, along with their two sons and the wife of one, reside in the existing two story residence in Building "A" as depicted in Petitioner's Exhibit 1. The Petitioners' father, the original owner and opera-

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Maxwell R. Collins, II, Esquire 305 W. Chesapeake Avenue, Suite 510 Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL HEARING AND VARIANCE N/S Pulaski Highway, 460' E of Middle River Road (9616 Pulaski Highway) 15th Election District - 6th Councilmanic District Melvyn E. Engle, et ux - Petitioners Case No. 90-423-SPHA

Dear Mr. Collins:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Hearing and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

C MNohain ANN M. NASTAROWICZ Deputy Zoning Commissioner

AMN:bjs

for Baltimore County

cc: People's Counsel

- MNotrais ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

May 18, 1990

Dennis F. Rasmussen County Executive

	Melvyn E. Engle	
(Type or Print Name)	(Type or Print Name)	10.15
Signature	Signature	200
Address	Pearl L. Engle  (Rype or Print Name)  (May L. Carali	1000 G-Z SP CC
City and State	Signature	F
Attorney for Petitioner:	ofto Bulanti Highway	687-316
Maxwell R. Collins, II	9619 Pulaski Highway	Phone No.
Marye or Print Name)	Address Baltimore, MD 21220	
Suite 510 Chesapeake Building	City and State  Name, address and phone number o	f legal owner.
305 W. Chesapeake Avenue Address	tract purchaser or representative t	O De Contacted
Towson, MD 21204	Donald D. Smith, Archite	ct
City and State	Name 1010 Saint Paul Street	685-49
Attorney's Telephone No.: 583-7977	Address 21202	Phone No.

1	RDERED By The Zoning Commissioner of Baltimore County, this day
	March, 1990, that the subject matter of this petition be advertised, as red by the Zoning Law of Baltimore County, in two newspapers of general circulation throughaltimore County, that property be posted, and that the public hearing be had before the Zoning altimore County, that property be posted, and that the public hearing be had before the Zoning
om	ty, on theds day of, 19, at o'clock
P	M. 1 1 1 1 1 1 1

in Building "C". Testimony indicated that the office and caretaker's residence to be built as part of proposed building "B" will provide housing for one of the sons. Both sons are officers of the corporation and share in the responsibility for managing the motel, 7 days a week, 24 All testimony presented by the Petitioners indicated that the caretakers' residences at all times shall be the residences of those individuals involved in the day to day operations of the motel business. The Petitioners agreed to supply evidence to the Zoning Commissioner's Office upon reasonable request that such use in Buildings "B", "C" and "D"

tor of the premises, resides in the exiting 1 story caretaker's residence

In response to the Zoning Plans Advisory Committee comments submitted by Charles Rose, Acting Chief of the Engineering Access Permits Division of the State Highway Administration, dated April 9, 1990, Petitioners have agreed to revise their site plan in an attempt to comply with their requests. Said plan shall be submitted to the State Highway Administration for approval.

is for a caretaker's residence.

After due consideration of the testimony and evidence presented. it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-423-5PH A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Legal Owner(s):

I/We do solemnly declare and affirm,

E-4

under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

more than one residence for the family of the Owner/Caretaker living on a

Property is to be posted and advertised as prescribed by Zoning Regulations

use permitted in 253.1.G, as stipulated in paregraph 253.1.F.2

his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following: 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a

permitted purpose or render conformance unnecessarily burdensome; 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that

applied for would give substantial relief; and 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28

It is clear from the testimony that if the variances are granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested in the Petitions for Special Hearing and Variances

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this May of May, 1990 that the Petition for Special Hearing to approve more than one owner/caretaker's residence on the subject  ${f \hat{j}}_{
m property}$ , and the Petition for Zoning Variance to permit a rear yard setback of 15 feet in lieu of the required 30 feet for Building "D", a front yard setback of 20 feet for Buildings "A" and "B" and a front yard setback of 10 feet for Buildings "C" and "D", all in lieu of the required 50 feet, and a distance between buildings of 40 feet in lieu of the required 100

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-423-58 HA The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a

Variance from Section 255.1 and thereby Section 238.1 and 238.2 to permit a 15\_\_\_ foot rear yard setback for Building 'D' in lieu of the required 30 feet; From Section 102.2 to permit a front yard setback of 20 feet for Buildings 'A' and --- 'B' and a front yard setback of 10 feet for Buildings 'C' and 'D', both in lieu of the required 50 feet; and from Section 102.2 to permit a 40 foot separation between buildings in lieu of the maximum required 100 feet. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

A need exists in this market for additional motel rooms. Owner desires to ungrade and expand his facility to respond to the market demand. However. zoning has been placed on the property which requires greater setbacks than those required when the buildings were constructed. It is therefore a practical difficulty to add units and provide sufficient parking unless a variance is granted to permit construction within the setbacks required.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Rallimore County adopted numeral to the Zoning Law For Rallimore County.

	1/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
Contract Purchaser:	Legal Owner(s):
	Melvyn E. Engle
(Type or Print Name)	(Type or Print Name)  Molngo E Finds
	solum 2 mite
Signature	Signature
	Pearl L. Engle
Address	Type or Print Name)
City and State	Signature
Attorney for Petitioner:	•
Maxwell R. Collins, II	9619 Pulaski Highway 687-3169
(Vipe or Print Name) / A	Address Phone No.
Maruel K. Collins	Baltimore, MD 21220
	City and State
The Chesapeake Building- Suite 510	
305 V. Chesapeake: Avenue	Name, address and phone number of legal owner, con tract purchaser or representative to be contacted
Towson, HD 21204-4478	Timothy Engle
City and State	Name
Attorney's Telephone No.: _583-7977	9619 Pulaski Highway 687-3169 Phone No.
ORDERED By The Zoning Commissioner of	f Baltimore County, this day
march 1090 min	be subject metter of this petition be advertised, a
COUNTRY BY DIS COUNTY DEW OF DESTROYS COUNT	v. In two nowapapera of reneral circulation intoxivi
out Baltimore County, that property be posted, a Commissioner of Baltimore County in Room 1	and that the public hearing be had before the Zonin 106, County Office Building in Towson, Baltimor
Commissioner of Baltanote County in Room 1	
County, on theday of .	19.90 at 2 c'cloc
P. w	
	(1. Kolont des -
2/16/90 BY JAN.	I, in any friends
TIME OR DAY	Zor ing Commissioner of Beltimore County
·	The second of Secondary Codition
RNG.	over)

. N. . . .

Contract Purchaser:

90-423-SPHA ZONING DESCRIPTION

Beginning at a point in the existing Southeast Right-of-Way line of Pulaski Highway, being 150 feet wide, and which lies North 49° East at a distance of 459.85 feet from the intersection of the centerline of Middle River Road with the southeast side of Pulaski Highway; thence leaving said point of beginning and binding on the following courses and distances:

(1) N 40° 55' 52" E 200.0 feet. (2) S 49° 04' 08" E 217.5 feet. (3) S 40° 55' 52" W 200.0 feet. (4) N 49° 04' 08" W 217.5 feet.

As recorded in Deed Liber 5437, Folio 469, containing 1.000 Acres, located in the Fifteenth Election District.



90-473-5841 CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Posted for Special Hearing & Variance Posted for: Special Heart Special Heart Special State Petitioner: Molvyn F. Engle, et ax

Location of property: N/S Pules Ki Hwy, Hbo' E/Middle Rider Rd.

164 Pules Ki Hwy

Location of Signe: To ciny Pales Ki Hwy, special 15 p. 100 dway,

On fro farty of Palisticinar

	maga Ro
	Baltimore County [] [] [] [] [] [] [] [] [] [] [] [] []
All A	ZONIME COMMISSION AND ASSESSMENT
<b>STITE</b>	County Office Building 111 West Chesapeake Avenue Nowson, Maryland 21204 Number
	Towson, Maryland
Dete	
	1000270 1000270
	2/16/90
je v jeto <b>≓</b> v jejo tro <del>to</del> O o obrodinace trotova	
	PUBLIC MEARING FEES PARTY PRICE
	DEO -ZONING VARIANCE (OTHER) 1 X \$175.00
	040 -SPECIAL HEARING (OTHER) 1. 4 . \$175.00
	TOTAL: \$250,00
1	LAST NAME OF OWNER: ENGLE
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Ž	B Β [0]*****350β0:a 3163F
	Please make checks payable to: Baitimore County
Cashler Vali	The state of the s

90-423 M9000731 4/25/90 PRICE PUBLIC HEARING FEES 080 -POSTING SIGNS / ADVERTISING 1 X TOTAL: \$146.56 LAST NAME OF OWNER; ENGLE B 095\*\*\*\*14656;a 325\$F Please make checks payable to: Baltimore County

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner Mr. & Mrs. Melvyn E. Engle 9619 Pulaski Highway Baltimore, Maryland 21220 Petitions for Special Hearing and Zoning Variance Dennis F. Rasmussen
County Executive CASE NUMBER: 90-423-SPHA N/S Pulaski Highway, 460' E of Middle River Road 9619 Pulaski Highway 15th Election District - 6th Councilmanic Petitioner(s): Melvyn E. Engle, et ux HEARING: WEDNESDAY, APRIL 25, 1990 at 2:00 p.m. Dear Mr. & Mrs. Engle: Please be advised that \$ 146.56 is due for advertising and posting of the above captioned property. THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY

UNTIL THE DAY OF THE HEARING. Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeaka Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin. Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

J. Robert Springs

ROBERT HAINES

ZONING COMMISSIONER

not returned.

NOTICE OF HEARING The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public heering on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 Petitions for Special Hearing and Zoning Variance
Case Number: 90-423-SPHA
N/S Pulasid Highway, 460' E
of Middle River Road
9619 Pulasid Highway
15th Election District Special Hearing: To approve more than one residence for the family of the owner/caretaker. ferrity of the owner/caretaker. Variance: to permit a 15 ft. rear yard setback of Building "D" in ieu of the required 30 ft.; to permit a front yard setback of 20 ft. for Buildings "A" and "B" and a front yard setback of 16 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft.

In the event that this Petition is

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of \_\_\_\_ successive weeks, the first publication appearing on April 5, 19 %.

5.20he Orlor granted, a building permit may be issued within the thirty (30) day

any request for a say of the suance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing. J. ROBERT HAINE

INOTICE OF HEARING

15th Election District 6th Councilments Patitioner(s): Metyyn E. Engle, et ux Hearing Date: Wednesday, Apr. 25, 1990 at 2:00 p.s.

Special Hearing: To approve more than one residence for the family of the owner/caretaker. Variance: to permit a 15 R. reer yard setbeck of Building "D" in lieu of the required 30 R; to permit a 15 R. reer yard setbeck of Building "D" in lieu of the required so that contract of 20 R.

ieu of the required selback of 20 ft...
for Buildings "A" and "B" and a front yard selback of 10 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft...
In the event that this Petition is

missioner will, however, energian any request for a stay of the insurance of said permit during this period for good cause shows. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

the way to be an included

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of \_\_\_\_successive weeks, the first publication appearing on april 4 ,19 90.

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

Baltimore County Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines
Zoning Commissioner

April 16, 1990

Maxwell R. Collins, Esquire The Chesapeake Building - Suite 510 305 W. Chesapeake Avenue Towson, MD 21204

RE: Item No. 270, Case No. 90-423-SPHA Petitioner: Melvyn E. Engle, et ux Petition for Special Hearing and Zoning Variance

Dear Mr. Collins:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

> Very truly yours, JAMES E. DYER Zoning Plans Advisory Committee

JED:jw

cc: Mr. & Mrs. Melvyn E. Engle 9619 Pulaski Highway Baltimore, MD 21220

Ballimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

March 13, 1990

NOTICE OF HEARING



The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as

Petitions for Special Hearing and Zoning Variance CASE NUMBER: 90-423-SPHA N/S Pulaski Highway, 460'\_E of Middle River Road 9619 Pulaski Highway 15th Election District - 6th Councilmanic Petitioner(s): Melvyn E. Englé, et ux HEARING: WEDNESDAY, APRIL 25, 1990 at 2:00 p.m.

Special Hearing: To approve more than one residence for the family of the owner/caretaker. Variance: To permit a 15 ft. rear yard setback of Building "D" in lieu of the required 30 ft.; to permit a front yard setback of 20 ft. for Buildings "A" and "B" and a front yard setback of 10 ft. for Buildings "C" and "D", both in lieu of the required 50 ft.; to permit a 40 ft. separation between buildings in lieu of the maximum required 100 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

ZONING COMMISSIONER BALTIMORE COUNTY, MARYLAND

Mr. & Mrs. Engle Maxwell R. Collins, II, Esq.

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) & 7-3353



Your petition has been received and accepted for filing this 16th day of February, 1990.

Petitioner: Melvyn E. Engle Petitioner's Attorney: Maxwell R. Collins



Richard H. Trainor Secretary Hal Kassoff Administrator

April 9, 1990

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204 Att: James Dyer

Re: Baltimore County The Star Motel Melvyn E. Engle Property Zoning meeting 3/6/90 N/S Pulaski Highway US 40-E 460' east of Middle River Road

Item #270

Dear Mr. Haines:

After reviewing the submittal for a special hearing to approve more than one residence for the family of owner/caretaker, we find the plan must be revised with the following:

- -- Construction of two 17' one way entrances with 40' radii and a 5' tangent section from adjacent properties.
- -- Construction of concrete curb and gutter and paving at a distance of 15' from the edge of travelled roadway.

The attached revised plan shows the aforementioned revisions.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours, Charles Rom Charles Rose, Acting Chief Engineering Access, Permits Division

attachment

Mr. J. Ogle w/att.

cc: Development Engineering Consultants Inc. watt.

My telephone number is (3C1) 333-1350

Teletypewriter for Impaired Hearing or Speech
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free
707 North Calvert St., Baltimore, Maryland 21203-0717

Department of Public Works Bureau of Traffic Engineering Courts Building, Suite 405 Towson, Maryland 21204 (301) 887-3554

March 9, 1990



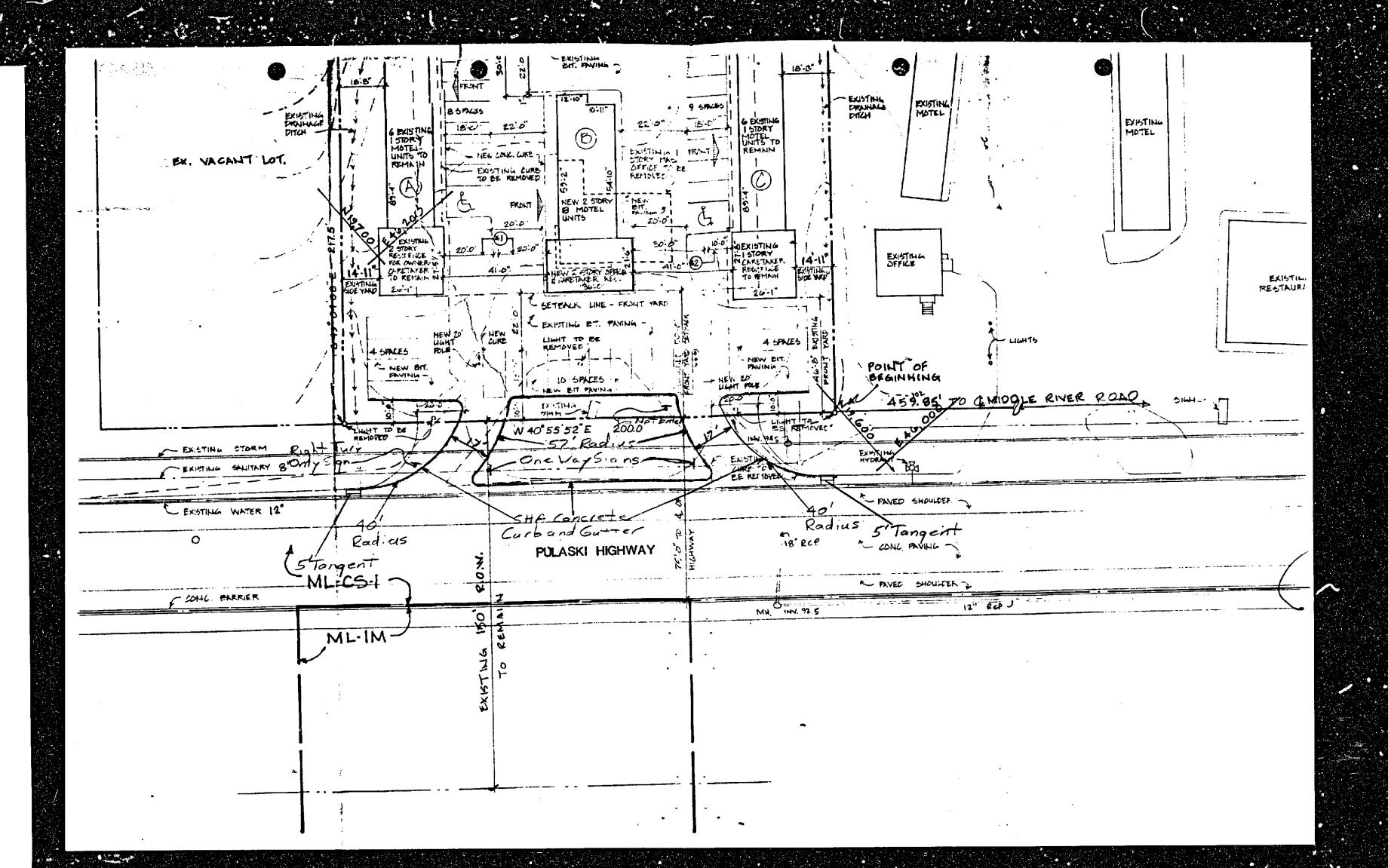
Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 259, 261, 262, 263, 264, 265, 266, 267, 268, and (276)

Traffic Engineer Assoc. II

MSF/lab



BALTI E COUNTY DEPARTMENT OF ENVIRON TAL PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner

Office of Planning and Zoning

3-2-90 Date

County Office Building Towson, Maryland 21204 Zoning Item 100, Zoning Advisory Committee Meeting of March 6,1990 Property Owner: Meluyn E. Engle, et UX

Location: N/S Pulasky Highway, 460 E of Middle River Road District: 15 .Water Supply: netro Sewage Disposal: netro

. ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment for any existing or proposed food service facility, complete plans and specifications must be submitted to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.

- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint processes, underground gasoline storage tank(s) (5,000 gallons or more) and any other equipment or process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any charbroiler generation which has a total cooking surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and severage facilities or other appurtenances pertaining to health and safety; two (2) copies of plans and specifications must be submitted to the Baltimore County Department of Environmental Protection and Resource Management for review and approval. For more complete information, contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 687-6500 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with the State Department of the Environment.
- $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$   $\cdot$  Prior to razing of existing structure(s), petitioner must contact the Division of Waste Management at 887-3745, regarding removal and/or disposal of potentially hazardous materials and solid wastes. Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestoes, 887-3775. '( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the
- contents removed by a licensed hauler and tank removed from the property or properly backfilled. Prior to removal or abandonment, owner must contact the Division of Waste Management at 887-3745. ( ) Soil percolation tests, have been \_\_\_\_, must be \_\_\_\_, conducted.
- and Sewer to determine whether additional tests are required.
- ( ). Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.
- ( ) In accordance with Section 13-117 of the Baltimore County Code, the water well yield test ) is not acceptable and must be retested. This must be accomplished prior to conveyance of property
- and approval of Building Permit Applications. ( ) Prior to occupancy approval, the potability of the water supply must be verified by collection of bacterio-
- logical and chemical water samples. If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental Effects Report must be submitted. For more information contact the Division of Environmental Management
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County. If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-2762.

Others	
	BUREAU OF WATER QUALITY AND RESOURCE

MANACESTI

Baltimore County Fire Department Towson, Maryland 21204-2586 494-4500

Paul H. Reincke



J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building

Towson, MD 21204

RE: Property Owner: MELVYN E. ENGLE

**#9619 PULASKI HIGHWAY** 

Item No.: 270 Zoning Agenda: MARCH 6, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

MARCH 14, 1990

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: Cot. Joseph My 3-14-90 Noted and Captain Fire Prevention Bureau Special Inspection Division

JK/KEK

BALTIMORE COUNTY, MARYLAND

The Petitioner requests a Variance to permit a 15 ft. rear yard

setback for Building D in lieu of the required 30 ft.; to permit a

setback of 10 ft. for Buildings C and D, both in lieu of the required

Should the Petitioner's request be granted, staff offers the

- The Petitioner shall submit elevation drawing to the Deputy

- A landscape plan shall be submitted to the Baltimore County

If there should be any further questions or if this office can

provide additional information, please contact Jeffrey Long in the

landscape planner and the Deputy Director of the Office of Planning and Zoning prior to the issuance of any building

Director of the Office of Planning and Zoning prior to the

front setback of 20 ft. for Building A and B; to permit a front

50 ft.; and to permit a 40 ft. separation between buildings.

DATE: April 9, 1990

INTER-OFFICE CORRESPONDENCE

J. Robert Haines

Zoning Commissioner

SUBJECT: Melvyn E. Engle, Item No. 270

following conditions for approval:

permits.

PK/JL/cmm

Office of Planning at 887-3211.

Pat Keller, Deputy Director

Office of Planning and Zoning

issuance of any building permits.

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: March 5, 1990 FROM: Robert W. Bowling, P.E.

Zoning Advisory Committee Meeting

for March 6, 1990

The Developers Engineering Division has reviewed

the subject zoning items and we have no comments for Items 262, 263, 264, and, 266.

For Item 259 the previous County Review Group comments remain in effect.

For Item 261 the minimum width for a single panhandle frontage is 20 feet (12 feet is shown). The septic area on the opposite side of the road would require crossing of the public road R/W with private sewer line (which would require a franchise agreement).

For Items 265, 269 and 270; a County Review Group Plan may be required for each property.

For Items 267 and 268 the previous County Review Group comments remain in effect.

For Item #203 revised - Caves Valley Gold Club - the previous County Review Group comments still apply.

Amendment for 90-154A - No. 819 Ridgeleigh Road, we have no comments.

ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

RWB:s



90-423-5944 4-25-90

2 May,1990

MARYLAND DEPARTMENT OF TRANSPORTATION
State Highway Administration
707 North Calvert Street
Baltimore, Maryland 21203-0717

Attn: Mr. Charles Rose, Acting Chief Engineering Access Permits Division

Re: The Star Motel
Melvyn E. Engle etal Property
9619 Pulaski Highway
LSA No. 89.13

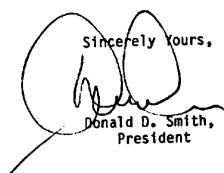
ZONING OFFICE

Mr. Rose,

In regard to your letter of 9 April, 1990 to Mr. J. Robert Haines concernining item No. 270, we herewith enclose a sketch prepared by this. We believe that the proposed revision to our plan satisfies your requirements, and still supplies the required number of parking spaces to support the anticipated development.

The Deputy Zoning Commissioner has indicated in public hearing that she requires your approval of said sketch before accepting same. Please accept this submission as a request for your approval, and please provide same in writing to the Zoning Commissioner.

Should you have any questions, please contact the undersigned at 685-4900.



CC. James Dyer

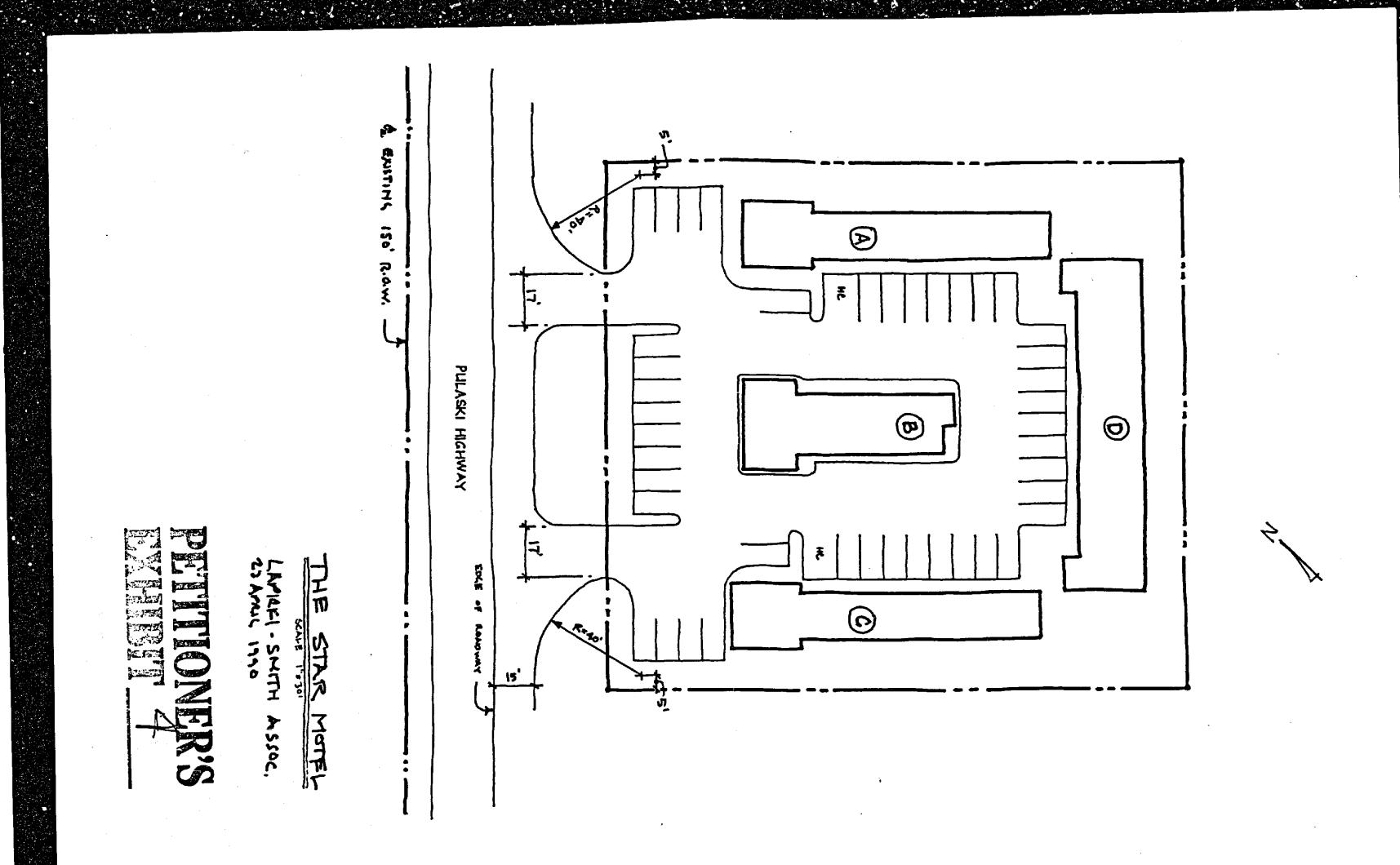
Tim Engle

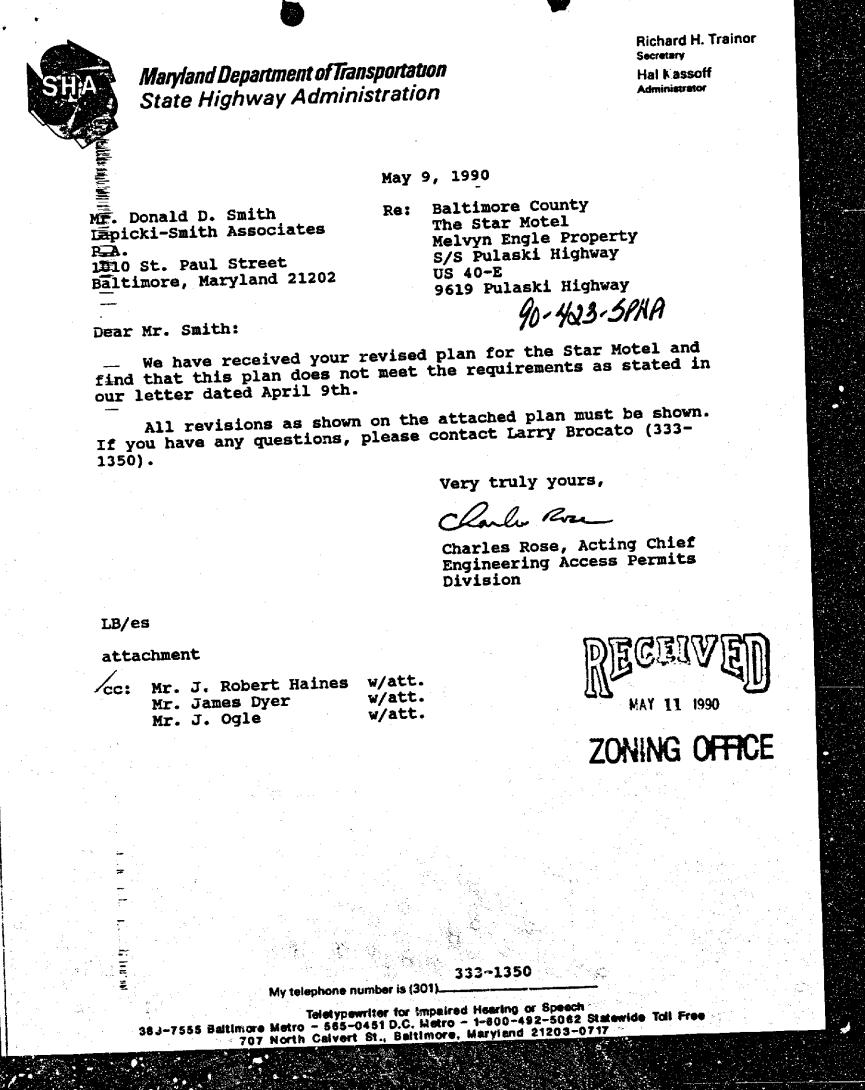
Maxwell Collins

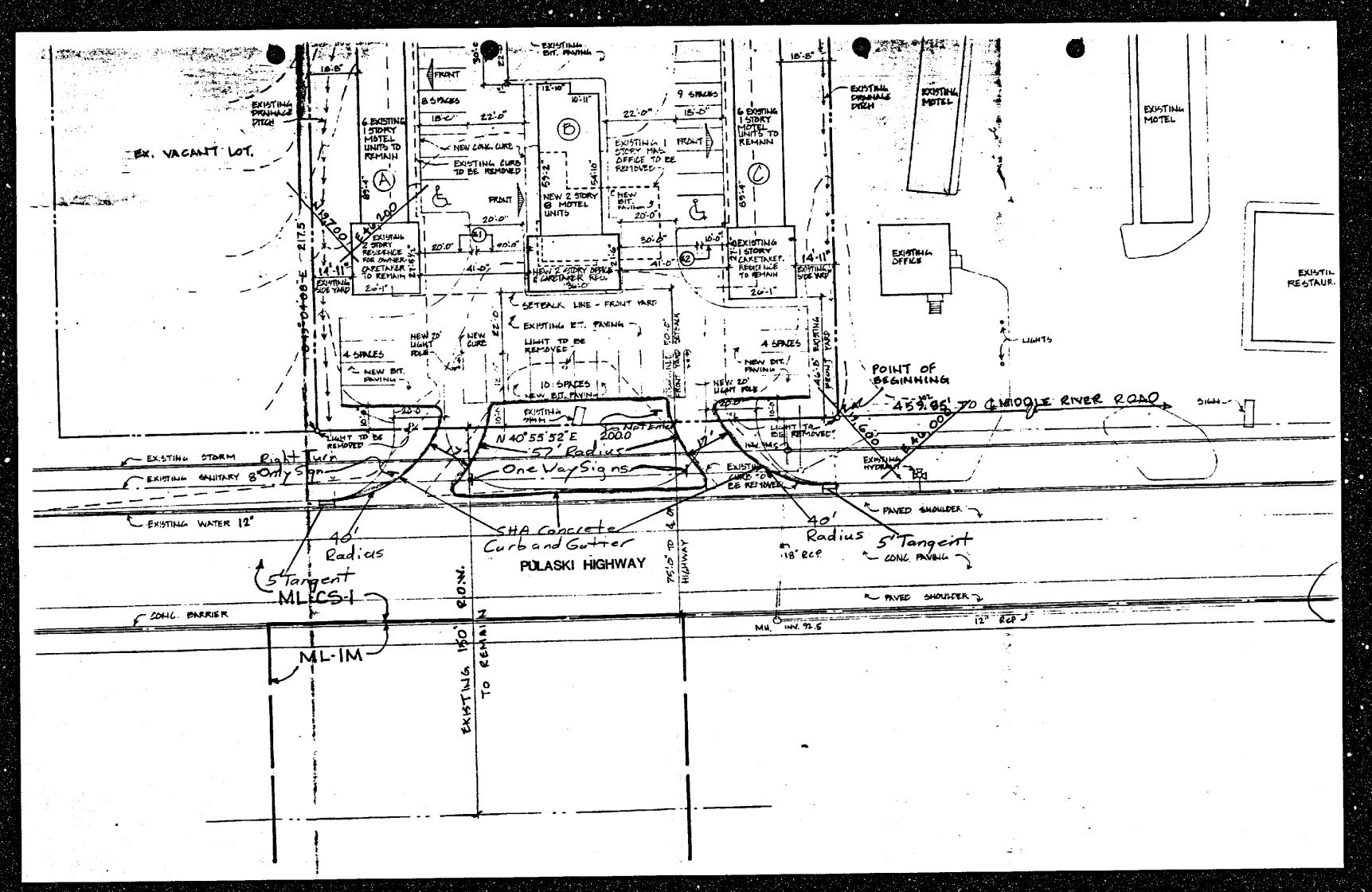
DEC, Inc.

James Ogle

1010 ST. PAUL STREET . BALTIMORE, MARYLAND 21202 . 301-685-4900



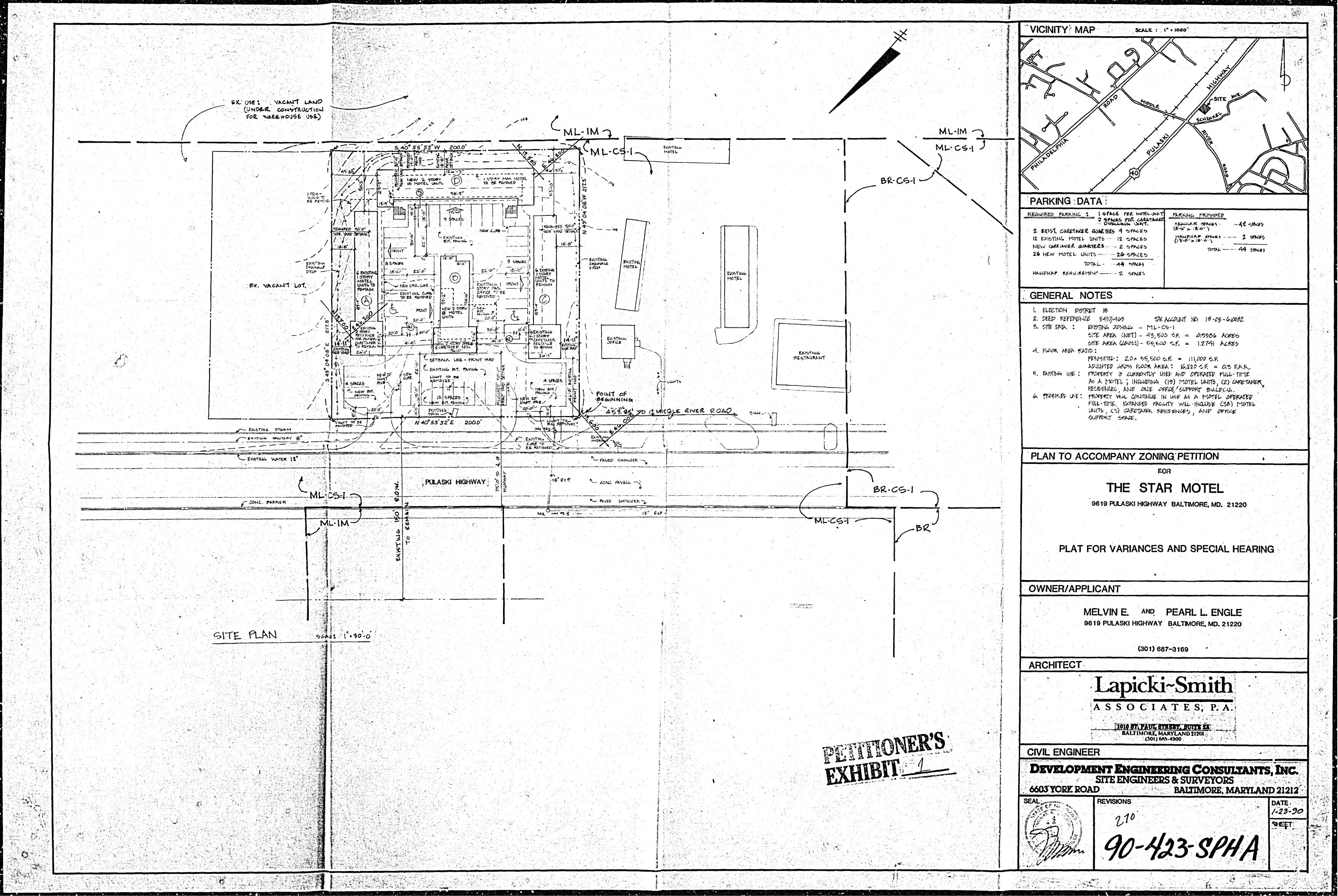


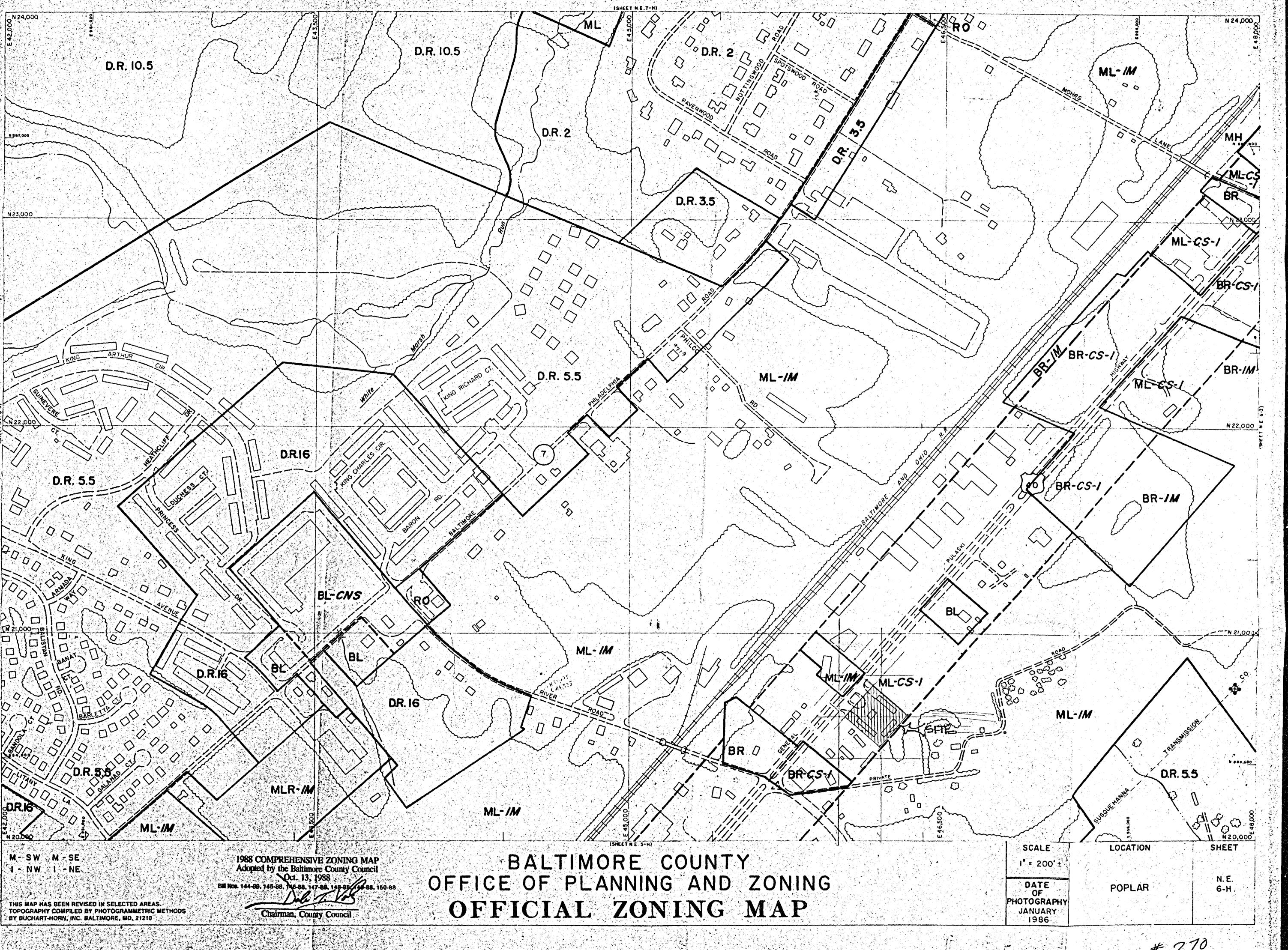


PLEASE PRINT CLEARLY Michael Collins, IF MELVYN E. ENGLE 9619 PULASK, HWY. BATTO. MD 21220 DONDLO Q. SMITH 1010 St. Paul STREET 21202 TIMOTHY ENGLE 9619 PULASKY KWY BAUTO MO. 31220 9619 Pulacki Huy BALTO MO 21220 MARTIN G. Engle 9619 Fulaski Hwy. Balta 21220 PEARL L ENgle









90-423-SPHA